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Supreme Court, U.S.
FILED
MAY 8 1996
CLERK

No. 95-1578

In The

Supreme Court of the United States

October Term, 1995

JACK DAVID KELLY, "PRO SE,"

Petitioner,

versus

ALBERT PENSON, in his individual capacity and as a partner in the Law Firm of HILTON, HILTON, KOLK AND PENSON, P.A.,

Respondents.

Petition For Writ Of Certiorari To The Supreme Court Of Florida

REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

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Petitioner

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REPLY TO LIST OF INTERESTED PARTIES

The petitioner is Jack David Kelly, individually and as a person with equity and legal title as the original sole owner of Maple Leaf Development Corporation and its original president and chairman, "pro se." See cases No. 92-327 and 95-882 of which Albert Penson, in his individual capacity and as a partner in the law firm of Hilton, Hilton, Kolk and Penson was the hired, contracted attorney and attorney firm to represent the petitioner in Second Judicial Circuit, Leon County, Florida No. 90-3378, the beginning of the above cases.

Therefore, the above would more properly describe the petitioner's list of interested parties and entities.

vs.

Albert Penson in his individual capacity and as a partner in the law firm of Hilton, Hilton, Kolk and Penson.

REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO THE PETITION FOR CERTIORARI

The respondents/defendants in their lack of value put in the 14th amendment's right and their apparent utter disregard for the Constitutional rights of the Constitution of the United States of America in their reply to the Writ of Certiorari is saying basically that any violation of constitutional rights is insufficient to trigger jurisdiction of this honorable court and the Constitution of the United States of America and its constitutional rights of an individual citizen of the United States and all its people.

Because certainly the constitutional right of equal protection of the law by the Constitution as cited in the Writ of Certiorari is the single most important of all constitutional rights. It balances the scales of justice of all the other constitutional rights of the people of the United States of America and certainly is sufficient to establish jurisdiction of this honorable court and in fact demands jurisdiction.

Principle 168 from Article 111.2.1 provides and guarantees the petitioner and all citizens their fundamental rights of the Constitutional rights of the United States of America to insure the scales of justice is balanced, securing the right of law and equity and protection from color of law, color of title, and prejudicial biased opinions and orders, etc., etc.

There could be no more federal questions than the ones stated above.

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REPLY TO CITATION TO OPINIONS AND ORDERS ISSUED

The Supreme Court of Florida's dismissal of the Petition for Certiorari Review, reported at 666 So.2d 143 (FLA 1995) (Attached as Appendix "A") is not signed or sealed, in violation of Florida Rules of Appellate Procedure.

Rule 9.020 Definition (e)(g)

(e) ORDER. A DECISION, ORDER, JUDGMENT, DECREE or Rule of lower tribunal, excluding minutes and minute book entries.

(g) RENDITION (OF AN ORDER). AN ORDER is rendered when signed, written order is filed with the clerk of the lower tribunal. However, unless another applicable rule of procedure specifically provides to the contrary.

No such signed written order is filed with the clerk of the lower tribunal and there is no known applicable rule of procedure specifically providing to the contrary known by the petitioner.

FAILURE TO MEET TIME LIMITATION

The brief in opposition filed on May 1st is untimely filed, Pursuant of Supreme Court Rule 15.3.

Supreme Court Rule 15.3

"Any brief in opposition shall be filed within 30 days after the case is placed on the docket. . . . "

The Writ of Certiorari was received by the court March 18, 1996 and given the Civil Docket No. 95-1578

with the docketing fee paid at the same time with a certified check. The Supplemental Appendix to Petition for Writ of Certiorari was received by the court on March 29, 1996 and given the same docket number.

The Respondent's Brief in Opposition is postmarked on May 1, 1996 which is certainly beyond the 30-day time limitation.

The above constitutes proper time for civil docketing in proper chronological order.

REPLY FOR REASONS FOR DENYING THE BRIEF IN OPPOSITION

This case could present no more of a federal question than the one stated above and the continuous misrepresentation of the opposition that there are no federal questions involved is absurd.

In addition, the statement of the respondent's opposition: "does not set forth the procedural and substantive nature of this case" is erroneous. In fact the Florida state court of last resort has departed from the accepted uniform constitutional rights of judicial procedure and sanctioned such departure by the lower courts of Florida.

Therefore, for the reasons stated above the defendants/respondents' Brief in Opposition should be denied and stricken with sanctions mandating the rights of the Constitution be upheld in accordance with Supreme Court Rule 5.4.

Wherefore, the petitioner, a citizen of the United States of America asks this honorable Supreme Court of

the United States to exercise its supervisory power and reverse the judgment of the lower courts and remand the case to trial.

Respectfully submitted,

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